

To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Neal, Daria (CRT)[Daria.Neal@usdoj.gov]
Cc: Jang, Deeana (CRT)[Deeana.Jang@usdoj.gov]; Fitzpatrick, Ryan (CRT)[Ryan.Fitzpatrick2@usdoj.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
From: Lareau, Alyssa (CRT)
Sent: Tue 9/23/2014 6:51:39 PM
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

All,

We are looking forward to our phone discussion at noon tomorrow. Let's use the following call in information:

Ex. 5 - Deliberative/Attorney-Client

Let me know if you have any questions.

Alyssa

Alyssa C. Lareau

Attorney

Federal Coordination and Compliance Section

U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]

alyssa.lareau@usdoj.gov

<http://www.justice.gov/crt/about/cor/>

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Monday, September 22, 2014 5:28 PM
To: Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena;
Wooden-Aguilar, Helena
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria. While I'd welcome the opportunity to sit down with you all, I have a meeting with a regional official that's not scheduled to end until noon on the 24th. Take care.

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-6685

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Monday, September 22, 2014 5:20 PM

To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Helena,

That works well for us. Would you prefer to meet in person or by phone? We can come to your office.

Daria

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Monday, September 22, 2014 3:08 PM
To: Neal, Daria (CRT)
Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria

I am working on scheduling this meeting. How does the 24th at noon work for you and others at Justice?

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 18, 2014, at 12:49 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Velveta and Helena,

Ex. 5 - Deliberative/Attorney-Client

Can you let us know some dates over the next two weeks that you are available to meet?

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Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]

Sent: Wednesday, September 03, 2014 6:39 PM

To: 'mccarthy.gina@epa.gov'; 'Title_VI_Complaints@epa.gov'

Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov';

'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT);

'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov';

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy 'baldwin@waterkeeper.org'

Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

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We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D’Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
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T: 212-845-7385
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<image001.gif>

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From: Harper, Nicko
Sent: Tue 9/23/2014 12:53:33 PM
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hello Helena, thanks I will speak with Cheryl moving forward. Thanks

From: Wooden-Aguilar, Helena
Sent: Tuesday, September 23, 2014 8:52 AM
To: Harper, Nicko
Cc: Whickum, Cheryl; Packard, Elise; Golightly-Howell, Velveta; Rhodes, Julia; Covington, Jeryl; O'Lone, Mary
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Nicko

It looks like noon on Wednesday works for Justice and they are planning to travel to EPA. Ms. Whickum has the details.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

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wooden-aguilar.helena@epa.gov

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Hello, ok just let me know.

From: Wooden-Aguilar, Helena
Sent: Monday, September 22, 2014 10:01 AM
To: Harper, Nicko; Whickum, Cheryl
Cc: Packard, Elise; Golightly-Howell, Velveta; Rhodes, Julia; Covington, Jeryl; O'Lone, Mary
Subject: Fwd: Complaint under Title VI of the Civil Rights Act of 1964

Hi ladies,

OCR needs to schedule a meeting with the US DOJ this week, if possible. I will ask DOJ who we should coordinate but wanted to give you a heads up in case there were days that worked better.

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Date: September 18, 2014 at 2:20:14 PM EDT
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Cc: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>, "Jang,

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Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov'; 'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT); 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'; 'baldwin@waterkeeper.org'
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From: Wooden-Aguilar, Helena
Sent: Tue 9/23/2014 12:52:15 PM
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Nicko

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Helena

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Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

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wooden-aguilar.helena@epa.gov

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Hello, ok just let me know.

From: Wooden-Aguilar, Helena
Sent: Monday, September 22, 2014 10:01 AM
To: Harper, Nicko; Whickum, Cheryl
Cc: Packard, Elise; Golightly-Howell, Velveta; Rhodes, Julia; Covington, Jeryl; O'Lone, Mary
Subject: Fwd: Complaint under Title VI of the Civil Rights Act of 1964

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Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov';
'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT);
'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'; **Ex. 6 - Personal Privacy**
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Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
F: 212-918-1556
earthjustice.org

<image001.gif>

The information contained in this email message may be privileged, confidential and protected from disclosure.

If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

To: Neal, Daria (CRT)[Daria.Neal@usdoj.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Jang, Deeana (CRT)[Deeana.Jang@usdoj.gov]; Lareau, Alyssa (CRT)[Alyssa.Lareau@usdoj.gov]; Fitzpatrick, Ryan (CRT)[Ryan.Fitzpatrick2@usdoj.gov]
From: Wooden-Aguilar, Helena
Sent: Mon 9/22/2014 7:08:29 PM
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria

I am working on scheduling this meeting. How does the 24th at noon work for you and others at Justice?

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 18, 2014, at 12:49 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Velveta and Helena,

Ex. 5 - Deliberative/Attorney-Client

Can you let us know some dates over the next two weeks that you are available to meet?

Also, we are missing some parts of the exhibits. If you have the following, can you please email them to us.:

- Vol I - Exs 1-26. The pdf stopped at Ex 6, sub-exhibit 11 (We have Ex. 6, the Declaration of Larry Baldwin and sub-exhibits 1-11 of that Declaration but not sub-exhibits 12-17 of that declaration). We are missing Exhibits 7-26 in their entirety.

- Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [mailto:jdambrosio@earthjustice.org]
Sent: Wednesday, September 03, 2014 6:39 PM
To: 'mccarthy.gina@epa.gov'; 'Title VI Complaints@epa.gov'
Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov';
'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT);
'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov' **Ex. 6 - Personal Privacy**
Ex. 6 - Personal Privacy 'lbaldwin@waterkeeper.org'
Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. ("Complainants") hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina

have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
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<image001.gif>

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To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/5/2014 10:10:56 PM
Subject: Re: For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Thx. Can I send to Monica now?

Helena Wooden-Aguilar
Acting Deputy Director
Office of Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 5, 2014, at 6:05 PM, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov> wrote:

Here you go Helena. Thanks! Velveta

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 5:54 PM
To: Golightly-Howell, Velveta
Cc: Chang, Patrick; Packard, Elise; Martinez, Brittany; Covington, Jeryl; Wooden-Aguilar, Helena
Subject: For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

Velveta-

Attached is the response for your review. I have accepted all of Patrick's edits and responded to his comments. I have also made a note in the document (bottom of page 1 in

Ex. 5 - Deliberative Process

(thank you Patrick, Brittany, and Jeryl for your help today.)

Please let me know if you have any questions.

Helena

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Sent: Friday, September 05, 2014 5:39 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: FW: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Ex. 5 - Deliberative/Attorney-Client

Otherwise, I'm good w/ it and don't need to see it again.

Thanks!

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Patrick-

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Helena

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Here are my comments. Call me if you want to discuss, as always.

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Subject: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
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Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

Ex. 5 - Deliberative/Attorney-Client

Ex. 5 - Deliberative/Attorney-Client

From: Martinez, Brittany

Sent: Friday, September 05, 2014 2:23 PM

To: Wooden-Aguilar, Helena

Cc: Covington, Jeryl

Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting

Case on Civil Rights Violations

Helena- Please see our draft response.

Ex. 5 - Deliberative Process

From: Wooden-Aguilar, Helena

Sent: Friday, September 05, 2014 12:22 PM

To: Golightly-Howell, Velveta; Covington, Jeryl

Cc: Martinez, Brittany

Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Ok. Jeryl and Brittany working on this. I am handling the Administrator documents with OGC (Patrick, Elise, and Ethan) that are due to COB by 4 pm. I hope to have a set of final (OGC reviewed) by 2 pm or sooner. We are moving on these and I am reconciling and cleaning them up.

From: Golightly-Howell, Velveta
Sent: Friday, September 05, 2014 12:20 PM
To: Wooden-Aguilar, Helena; Covington, Jeryl
Subject: Fw: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi. Please let me know what's needed from my end. I'm en route to a meeting. Will return to office after it. I have another at 3 p.m.

Velveta

From: Lee, Monica
Sent: Friday, September 5, 2014 11:27:37 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Correct – additionally, Politico has asked if there is a timeline to respond to these petitions.

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Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations
Importance: High

Ok.

Below is my understanding of the questions in red. Is this correct?

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.
2. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 11:24 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

The two inquiries we've gotten haven't specified a deadline, but we'd like to get back to them as quickly as possible.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 11:17 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 10:19 AM
To: Wooden-Aguilar, Helena
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Helena – do you have any information on Earthjustice's complaint to EPA alleging civil rights violations at North Carolina hog farms? Politico is asking if we have a timeline to respond to these petitions, so at the very least we'd want to get back to them on that.

Let me know – thanks!

From: Purchia, Liz
Sent: Thursday, September 04, 2014 4:53 PM
To: Lee, Monica; Allen, Laura
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro's ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they've gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they're asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison
Sent: Thursday, September 04, 2014 4:49 PM
To: Purchia, Liz
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>
Date: September 4, 2014 at 4:35:36 PM EDT
To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison" <davis.alison@epa.gov>
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.

I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

John Murawski

Staff Writer

The News & Observer

Raleigh, NC

Tel: 919-829-8932

Ex. 6 - Personal Privacy

Fax: 829-4529

e-mail: john.murawski@newsobserver.com

Twitter: @johnmurawski

Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Ex. 6 - Personal Privacy

Marianne Engelman Lado | Earthjustice

| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Jonathan Hahn|Caplan

Communications| jonathan@caplancommunications.com | 301-998-6592

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as

community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've

complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

#

About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

About REACH

The Rural Empowerment Association for Community Help strives to improve the

quality of life for families and people of color in rural eastern North Carolina. In particular, REACH addresses social, economic and environmental issues through its environmental awareness, sustainable agriculture, small business development, and homeownership programs.

About WATERKEEPER® Alliance

Founded in 1999 by environmental attorney and activist Robert F. Kennedy, Jr. and several veteran Waterkeeper Organizations, Waterkeeper Alliance is a global movement of on-the-water advocates who patrol and protect over 1.5 million square miles of rivers, streams and coastlines in North and South America, Europe, Australia, Asia and Africa. Learn more at: www.waterkeeper.org or follow @Waterkeeper on Twitter and Facebook.

About Earthjustice

Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

<Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3 hewa; vgh.docx>

To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
Cc: Chang, Patrick[Chang.Patrick@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/5/2014 9:54:10 PM
Subject: For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3 hewa.docx

Velveta-

Attached is the response for your review. I have accepted all of Patrick's edits and responded to his comments. I have also made a note in the document (bottom of page 1 in bold) to the press officer to keep a close hold on the rationale for dismissal (this is highlighted in red).

(thank you Patrick, Brittany, and Jeryl for your help today.)

Please let me know if you have any questions.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 5:39 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: FW: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

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Helena

Ex. 5 - Deliberative/Attorney-Client

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Ex. 5 - Deliberative Process

From: Martinez, Brittany

Sent: Friday, September 05, 2014 2:23 PM

To: Wooden-Aguilar, Helena

Cc: Covington, Jeryl

Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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Ex. 5 - Deliberative Process

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To: Lee, Monica
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Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 11:17 AM
To: Lee, Monica

Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison

Sent: Thursday, September 04, 2014 4:49 PM

To: Purchia, Liz

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>

Date: September 4, 2014 at 4:35:36 PM EDT

To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison"
<davis.alison@epa.gov>

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

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I look forward to hearing from you.

John Murawski

Staff Writer

The News & Observer

Raleigh, NC

Tel: 919-829-8932

Ex. 6 - Personal Privacy

Fax: 829-4529

e-mail: john.murawski@newsobserver.com

Twitter: @johnmurawski

Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Ex. 6 - Personal Privacy

Marianne Engelman Lado | Earthjustice

| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

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About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and

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About Earthjustice

Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

To: Chang, Patrick[Chang.Patrick@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/5/2014 9:50:35 PM
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Thanks Patrick. I have made the notation in the document and will forward to Velveta for her review.

From: Chang, Patrick
Sent: Friday, September 05, 2014 5:39 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: FW: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Regarding my comments where I said that our press people might ask for more info about why the two previous swine farm complaints were dismissed, I should have also said that we should provide the info to our press office, but explain that it would be better not to get into the specifics w/ the reporter unless s/he presses. Since the Yankton case was decided on the basis of scope of authority and that's a delicate issue, we probably don't want to highlight it unless asked. So maybe put that new text in a fn w/ an explanation to our press people?

Otherwise, I'm good w/ it and don't need to see it again.

Thanks!

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 5:32 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Patrick-

I have accepted your edits and responded to comments. I have also added language for your review.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 4:23 PM
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Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Here are my comments. Call me if you want to discuss, as always.

From: Wooden-Aguilar, Helena
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To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl
Subject: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

Ex. 5 - Deliberative/Attorney-Client

Ex. 5 - Deliberative/Attorney-Client

From: Martinez, Brittany
Sent: Friday, September 05, 2014 2:23 PM
To: Wooden-Aguilar, Helena
Cc: Covington, Jeryl

Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Helena- Please see our draft response.

Ex. 5 - Deliberative/Attorney-Client

From: Wooden-Aguilar, Helena

Sent: Friday, September 05, 2014 12:22 PM

To: Golightly-Howell, Velveta; Covington, Jeryl

Cc: Martinez, Brittany

Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Ok. Jeryl and Brittany working on this. I am handling the Administrator documents with OGC (Patrick, Elise, and Ethan) that are due to COB by 4 pm. I hope to have a set of final (OGC reviewed) by 2 pm or sooner. We are moving on these and I am reconciling and cleaning them up.

From: Golightly-Howell, Velveta
Sent: Friday, September 05, 2014 12:20 PM
To: Wooden-Aguilar, Helena; Covington, Jeryl
Subject: Fw: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi. Please let me know what's needed from my end. I'm en route to a meeting. Will return to office after it. I have another at 3 p.m.

Velveta

From: Lee, Monica
Sent: Friday, September 5, 2014 11:27:37 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Correct – additionally, Politico has asked if there is a timeline to respond to these petitions.

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To: Lee, Monica
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations
Importance: High

Ok.

Below is my understanding of the questions in red. Is this correct?

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.
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Helena

From: Lee, Monica
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To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
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The two inquiries we've gotten haven't specified a deadline, but we'd like to get back to them as quickly as possible.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 11:17 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 10:19 AM
To: Wooden-Aguilar, Helena
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Helena – do you have any information on Earthjustice’s complaint to EPA alleging civil rights violations at North Carolina hog farms? Politico is asking if we have a timeline to respond to these petitions, so at the very least we’d want to get back to them on that.

Let me know – thanks!

From: Purchia, Liz
Sent: Thursday, September 04, 2014 4:53 PM
To: Lee, Monica; Allen, Laura
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro’s ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they’ve gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they’re asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison

Sent: Thursday, September 04, 2014 4:49 PM

To: Purchia, Liz

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>

Date: September 4, 2014 at 4:35:36 PM EDT

To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison"
<davis.alison@epa.gov>

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind. I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

John Murawski
Staff Writer
The News & Observer
Raleigh, NC
Tel: 919-829-8932

Ex. 6 - Personal Privacy

Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Ex. 6 - Personal Privacy

Marianne Engelman Lado | Earthjustice
| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Jonathan Hahn|Caplan Communications| jonathan@caplancommunications.com | 301-998-6592

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as
community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment

Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO)**

Coordinator at Waterkeeper Alliance. “It’s time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it’s time for the state to take action.”

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

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Because the earth needs a good lawyer.

To: Chang, Patrick[Chang.Patrick@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/5/2014 9:41:31 PM
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

I will add that language so that press folks in the text.

Thanks,

Helena

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Sent: Friday, September 05, 2014 5:39 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
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Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
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Sent: Thursday, September 04, 2014 4:53 PM
To: Lee, Monica; Allen, Laura
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Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison

Sent: Thursday, September 04, 2014 4:49 PM

To: Purchia, Liz

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>

Date: September 4, 2014 at 4:35:36 PM EDT

To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison" <davis.alison@epa.gov>

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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John Murawski
Staff Writer
The News & Observer
Raleigh, NC
Tel: 919-829-8932

Ex. 6 - Personal Privacy

Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Ex. 6 - Personal Privacy

Marianne Engelman Lado | Earthjustice
| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Jonathan Hahn|Caplan Communications| jonathan@caplancommunications.com | 301-998-6592

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Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Chang, Patrick
Sent: Fri 9/5/2014 9:39:04 PM
Subject: FW: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3.hewa.docx

Regarding my comments where I said that our press people might ask for more info about why the two previous swine farm complaints were dismissed, I should have also said that we should provide the info to our press office, but explain that it would be better not to get into the specifics w/ the reporter unless s/he presses. Since the Yankton case was decided on the basis of scope of authority and that's a delicate issue, we probably don't want to highlight it unless asked. So maybe put that new text in a fn w/ an explanation to our press people?

Otherwise, I'm good w/ it and don't need to see it again.

Thanks!

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 5:32 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Patrick-

I have accepted your edits and responded to comments. I have also added language for your review.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 4:23 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Here are my comments. Call me if you want to discuss, as always.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 3:31 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl
Subject: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

Ex. 5 - Deliberative/Attorney-Client

Ex. 5 - Deliberative/Attorney-Client

From: Martinez, Brittany
Sent: Friday, September 05, 2014 2:23 PM
To: Wooden-Aguilar, Helena
Cc: Covington, Jeryl
Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Helena- Please see our draft response.

Ex. 5 - Deliberative/Attorney-Client

Ex. 5 - Deliberative/Attorney-Client

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 12:22 PM
To: Golightly-Howell, Velveta; Covington, Jeryl
Cc: Martinez, Brittany
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Ok. Jeryl and Brittany working on this. I am handling the Administrator documents with OGC (Patrick, Elise, and Ethan) that are due to COB by 4 pm. I hope to have a set of final (OGC reviewed) by 2 pm or sooner. We are moving on these and I am reconciling and cleaning them up.

From: Golightly-Howell, Velveta
Sent: Friday, September 05, 2014 12:20 PM
To: Wooden-Aguilar, Helena; Covington, Jeryl
Subject: Fw: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi. Please let me know what's needed from my end. I'm en route to a meeting. Will return to office after it. I have another at 3 p.m.

Velveta

From: Lee, Monica
Sent: Friday, September 5, 2014 11:27:37 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Correct – additionally, Politico has asked if there is a timeline to respond to these petitions.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 11:26 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations
Importance: High

Ok.

Below is my understanding of the questions in red. Is this correct?

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.
2. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 11:24 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

The two inquiries we've gotten haven't specified a deadline, but we'd like to get back to them as quickly as possible.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 11:17 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 10:19 AM
To: Wooden-Aguilar, Helena
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Helena – do you have any information on Earthjustice's complaint to EPA alleging civil rights violations at North Carolina hog farms? Politico is asking if we have a timeline to respond to

these petitions, so at the very least we'd want to get back to them on that.

Let me know – thanks!

From: Purchia, Liz

Sent: Thursday, September 04, 2014 4:53 PM

To: Lee, Monica; Allen, Laura

Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro's ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they've gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they're asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison
Sent: Thursday, September 04, 2014 4:49 PM
To: Purchia, Liz
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>
Date: September 4, 2014 at 4:35:36 PM EDT
To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison" <davis.alison@epa.gov>
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind. I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

John Murawski
Staff Writer
The News & Observer
Raleigh, NC
Tel: 919-829-8932
Ex. 6 - Personal Privacy
Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Ex. 6 - Personal Privacy

Marianne Engelman Lado | Earthjustice
| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Jonathan Hahn|Caplan Communications| jonathan@caplancommunications.com | 301-998-6592

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as
community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law

and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

#

About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

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Because the earth needs a good lawyer.

To: Chang, Patrick[Chang.Patrick@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/5/2014 9:31:53 PM
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3.hewa.docx

Patrick-

I have accepted your edits and responded to comments. I have also added language for your review.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 4:23 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Here are my comments. Call me if you want to discuss, as always.

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Subject: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

Ex. 5 - Deliberative/Attorney-Client

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Ex. 5 - Deliberative/Attorney-Client

From: Martinez, Brittany

Sent: Friday, September 05, 2014 2:23 PM

To: Wooden-Aguilar, Helena

Cc: Covington, Jeryl

Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Helena- Please see our draft response.

Ex. 5 - Deliberative/Attorney-Client

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 12:22 PM
To: Golightly-Howell, Velveta; Covington, Jeryl
Cc: Martinez, Brittany
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Ok. Jeryl and Brittany working on this. I am handling the Administrator documents with OGC (Patrick, Elise, and Ethan) that are due to COB by 4 pm. I hope to have a set of final (OGC reviewed) by 2 pm or sooner. We are moving on these and I am reconciling and cleaning them up.

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To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Correct – additionally, Politico has asked if there is a timeline to respond to these petitions.

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Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl

Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations
Importance: High

Ok.

Below is my understanding of the questions in red. Is this correct?

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Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
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Hi Monica-

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Let me know – thanks!

From: Purchia, Liz
Sent: Thursday, September 04, 2014 4:53 PM
To: Lee, Monica; Allen, Laura
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro’s ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they’ve gotten incoming and have a response.

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Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison

Sent: Thursday, September 04, 2014 4:49 PM

To: Purchia, Liz

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>

Date: September 4, 2014 at 4:35:36 PM EDT

To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison" <davis.alison@epa.gov>

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

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I look forward to hearing from you.

John Murawski

Staff Writer

The News & Observer

Raleigh, NC

Tel: 919-829-8932

Ex. 6 - Personal Privacy

Fax: 829-4529

e-mail: john.murawski@newsobserver.com

Twitter: [@johnmurawski](https://twitter.com/johnmurawski)

Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Ex. 6 - Personal Privacy

Marianne Engelman Lado | Earthjustice

| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Jonathan Hahn|Caplan Communications| jonathan@caplancommunications.com | 301-998-6592

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as
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"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

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"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

#

About NCEJN

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Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

Message

From: Golightly-Howell, Velveta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA9AC96644BA486F936D022ADBCE6917-GOLIGHTLY-H]
Sent: 1/8/2015 6:01:01 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: FW: Rescheduled - Reach Options Meeting (req'd by Ms. Velveta)(to begin @ 10:00am)
Attachments: REACH preinvestigation process proposal 11.24.2014.docx

From: O'Lone, Mary
Sent: Monday, November 24, 2014 9:39 AM
To: Whickum, Cheryl; Rhodes, Julia; Covington, Jeryl; Covington, Jeryl; Farrell, Ericka; Golightly-Howell, Velveta; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena
Cc: Mason, Sheryl
Subject: Re: Rescheduled - Reach Options Meeting (req'd by Ms. Velveta)(to begin @ 10:00am)

Julia just met my 9:30 am deadline for comments, so I have taken some of her comments & left some of the questions she had b/c I think they will help in our discussion.

Just so you understand the flow of the pre-investigation paper, the first page is the summary of the recommended options, which is why a recommended option is not repeated under each issue in the options & consideration's section that follows.

If another format is preferred going forward after today, we can change it.

Please print this out so you can see the bubble comments. I will call into the conference line at 10 am. Thanks

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Wooden-Aguilar, Helena on behalf of Whickum, Cheryl
Sent: Monday, November 24, 2014 8:54 AM
To: O'Lone, Mary; Rhodes, Julia; Covington, Jeryl
Subject: FW: Rescheduled - Reach Options Meeting (req'd by Ms. Velveta)(to begin @ 10:00am)
When: Monday, November 24, 2014 10:00 AM-11:00 AM.
Where: DCRoomARN2450B/DC-ARN-OCR-Rooms - (Dial In Number 866-299-3188; Conference Code 202-564-1746)

Do we have a options paper for the 10 am?

-----Original Appointment-----

From: Whickum, Cheryl
Sent: Thursday, November 20, 2014 1:17 PM
To: Whickum, Cheryl; Covington, Jeryl; Farrell, Ericka; Golightly-Howell, Velveta; O'Lone, Mary; Rhodes, Julia; Turkevich,

Paul; Wooden-Aguilar, Helena

Cc: Mason, Sheryl

Subject: Rescheduled - Reach Options Meeting (req'd by Ms. Velveta)(to begin @ 10:00am)

When: Monday, November 24, 2014 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: DCRoomARN2450B/DC-ARN-OCR-Rooms - (Dial In Number:

Ex. 6 - Personal Privacy

Message

From: Golightly-Howell, Velveta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA9AC96644BA486F936D022ADBCE6917-GOLIGHTLY-H]
Sent: 1/8/2015 6:00:30 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: FW: REACH follow up
Attachments: REACH Case Management Proposal.docx; REACH 11R-14-R4 Acceptance Letter - Draft (12 10 2014) mmo.doc

From: O'Lone, Mary
Sent: Wednesday, December 10, 2014 4:43 PM
To: Golightly-Howell, Velveta; Wooden-Aguilar, Helena
Cc: Packard, Elise; Rhodes, Julia; Moffa, Anthony
Subject: REACH follow up

Velveta & Helena-

Ethan likes the new draft language in the letter. He didn't get into the substance of the draft proposal, but he said that it was the type of thing he thought they were looking for. Our thought is that a package with the draft letter, draft proposed plan (after you review it), & info about OCR contacting OPA & OCIR to develop a communications strategy be sent forward to Gwen & Avi and a meeting be set up w/them to talk about the 3 items & next steps.

Ethan has offered to schedule the meeting with Avi & Gwen, but you should let us know ASAP if you want him to do that. I am only here through mid-Friday afternoon & then pretty much not reachable for 3 weeks. Anthony will be around during the holidays. Thanks, Mary

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

Message

From: Golightly-Howell, Velveta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA9AC96644BA486F936D022ADBCE6917-GOLIGHTLY-H]
Sent: 1/8/2015 5:59:46 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: FW: REACH follow up
Attachments: REACH Case Management Proposal.docx; REACH 11R-14-R4 Acceptance Letter - Draft (12 10 2014) mmo.doc

Hi Mary. I'm sending you this message as it may be the one you requested. I'm looking for others dating back farther in time. Velveta

From: O'Lone, Mary
Sent: Wednesday, December 10, 2014 4:43 PM
To: Golightly-Howell, Velveta; Wooden-Aguilar, Helena
Cc: Packard, Elise; Rhodes, Julia; Moffa, Anthony
Subject: REACH follow up

Velveta & Helena-

Ethan likes the new draft language in the letter. He didn't get into the substance of the draft proposal, but he said that it was the type of thing he thought they were looking for. Our thought is that a package with the draft letter, draft proposed plan (after you review it), & info about OCR contacting OPA & OCIR to develop a communications strategy be sent forward to Gwen & Avi and a meeting be set up w/them to talk about the 3 items & next steps.

Ethan has offered to schedule the meeting with Avi & Gwen, but you should let us know ASAP if you want him to do that. I am only here through mid-Friday afternoon & then pretty much not reachable for 3 weeks. Anthony will be around during the holidays. Thanks, Mary

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

Message

From: Golightly-Howell, Velveta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA9AC96644BA486F936D022ADBCE6917-GOLIGHTLY-H]
Sent: 1/8/2015 5:40:55 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: RE: REACH follow -up

Hi Mary. You're right about the needed break! ☺ About when did you send the message? Velveta

From: O'Lone, Mary
Sent: Thursday, January 08, 2015 8:33 AM
To: Golightly-Howell, Velveta
Subject: Re: REACH follow -up

Velveta-
Hope you had a nice vacation. I think we all needed a break.

Would you please forward me the email I sent you? It will then have the attachments with it. I was having problems with it yesterday (so I am glad you actually got it). But for some reason it isn't in my sent box & I need to send the attachments to Ethan.

I had a great set of meeting w with Lilian on REACH. Glad to have her on board.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Golightly-Howell, Velveta
Sent: Thursday, January 8, 2015 8:19 AM
To: O'Lone, Mary; Dorka, Lilian; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony
Subject: Re: REACH follow -up

Thanks. I'll review the docs and look forward to getting updated.

Velveta

From: O'Lone, Mary
Sent: Wednesday, January 7, 2015 3:54:35 PM
To: Dorka, Lilian; Golightly-Howell, Velveta; Packard, Elise; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Moffa, Anthony
Subject: REACH follow -up

All-

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

Message

From: Golightly-Howell, Velveta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA9AC96644BA486F936D022ADBCE6917-GOLIGHTLY-H]
Sent: 12/2/2014 10:36:17 PM
To: KeyesFleming, Gwendolyn [keyesfleming.gwendolyn@epa.gov]
CC: Shenkman, Ethan [Shenkman.Ethan@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: REACH, Inc. (NC Title VI Complaint from Earthjustice)

Julia will be working on it Gwen. Take care everyone. Velveta

From: KeyesFleming, Gwendolyn
Sent: Tuesday, December 02, 2014 5:35 PM
To: Golightly-Howell, Velveta
Cc: Shenkman, Ethan; Packard, Elise
Subject: Re: REACH, Inc. (NC Title VI Complaint from Earthjustice)

Is this the version with DOJ's language change? Or is Julia still working on that?

Sent from my iPhone

On Dec 2, 2014, at 3:07 PM, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov> wrote:

Hi Ethan. I hope that your day has gone well. Attached is the draft partial acceptance letter that we submitted to Gwen. No revisions were made to it. Thanks for agreeing to get the draft to Avi! Bye everyone.

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-6685

<REACH 11R-14-R4 Acceptance Letter - Draft (09.22.2014).doc>

To: KeyesFleming, Gwendolyn[keyesfleming.gwendolyn@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]
From: Golightly-Howell, Velveta
Sent: Mon 11/10/2014 10:31:32 PM
Subject: REACH, Inc. - FW: Complaint under Title VI of the Civil Rights Act of 1964
North Carolina EJ Network et al Complaint under Title VI.pdf

Ex. 5 - Deliberative Process

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

From: Wooden-Aguilar, Helena
Sent: Friday, November 07, 2014 11:36 AM
To: Golightly-Howell, Velveta
Cc: Covington, Jeryl; Farrell, Ericka
Subject: FW: Complaint under Title VI of the Civil Rights Act of 1964

Velveta-

Here is a copy of the complaint and I have notified OGC that COS and DCOS are planning to attend.

Helena

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]
Sent: Wednesday, September 03, 2014 6:39 PM
To: McCarthy, Gina; Title VI Complaints
Cc: Wooden-Aguilar, Helena; Tejada, Matthew; McTeerToney, Heather; HALIM-CHESTNUT, NAIMA; 'Daria.Neal@usdoj.gov'; 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov';

Ex. 6 - Personal Privacy

Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. (“Complainants”) hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D’Ambrosio and Marianne Engelman Lado

Jocelyn D’Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
F: 212-918-1556
earthjustice.org



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If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Message

From: Golightly-Howell, Velveta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA9AC96644BA486F936D022ADBCE6917-GOLIGHTLY-H]
Sent: 11/7/2014 9:01:53 PM
To: KeyesFleming, Gwendolyn [keyesfleming.gwendolyn@epa.gov]; Reeder, John [Reeder.John@epa.gov]
Subject: FW: REACH, Inc. (ADDITIONAL RESPONSE _ Meeting w/DOJ (req'd by DOJ))

FYI Gwen and John. Enjoy your weekend! Velveta

From: Neal, Daria (CRT) [mailto:Daria.Neal@usdoj.gov]
Sent: Friday, November 07, 2014 3:57 PM
To: Golightly-Howell, Velveta; Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT)
Cc: Mason, Sheryl; Harrell, Collette; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena; Whickum, Cheryl; Chang, Patrick; Reeder, John
Subject: RE: REACH, Inc. (ADDITIONAL RESPONSE _ Meeting w/DOJ (req'd by DOJ))

Thank you Velveta. We look forward to working with everyone and

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

By the way, I just came across this Grist article about the complaint. <http://grist.org/news/giant-hog-farms-are-making-people-sick-heres-why-its-a-civil-rights-issue/>

Have a good weekend.

Daria

From: Golightly-Howell, Velveta [mailto:Golightly-Howell.Velveta@epa.gov]
Sent: Friday, November 07, 2014 3:50 PM
To: Neal, Daria (CRT); Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT)
Cc: Mason, Sheryl; Harrell, Collette; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena; Whickum, Cheryl; Chang, Patrick; Reeder, John
Subject: REACH, Inc. (ADDITIONAL RESPONSE _ Meeting w/DOJ (req'd by DOJ))

Hello Daria, Ryan and Alyssa. Thank you for a very informative and productive meeting this afternoon.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

As agreed, we'll plan to schedule our next meeting in the early part of December. Thanks for your offer to host the meeting at your office. Enjoy your weekend everyone!

Velveta

From: Golightly-Howell, Velveta
Sent: Friday, November 07, 2014 12:09 PM
To: 'Neal, Daria (CRT)'; Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT)
Cc: Mason, Sheryl; Harrell, Collette; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena; Whickum, Cheryl
Subject: REACH, Inc. (ADDITIONAL RESPONSE _ Meeting w/DOJ (req'd by DOJ))

Hi Daria, Ryan and Alyssa. We hope that your day is going well. Here's the agenda to which we've made a few tweaks. We'll have hard copies for you. We're looking forward to seeing you at 2 p.m.

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-7272

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Thursday, November 06, 2014 5:04 PM
To: Whickum, Cheryl; Golightly-Howell, Velveta; Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT)
Cc: Mason, Sheryl; Harrell, Collette; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena
Subject: RE: ADDITIONAL RESPONSE _ Meeting w/DOJ (req'd by DOJ)

Ex. 5 - Deliberative Process

From: Whickum, Cheryl [<mailto:Whickum.Cheryl@epa.gov>]
Sent: Thursday, November 06, 2014 3:57 PM
To: Neal, Daria (CRT); Golightly-Howell, Velveta; Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT)
Cc: Mason, Sheryl; Harrell, Collette; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena
Subject: ADDITIONAL RESPONSE _ Meeting w/DOJ (req'd by DOJ)

A Warm & Hearty...
Ms. Daria:

Everything in Ms. Velveta's e-mail is correct.
And, in addition, Ms. Helena would like you to:

- 1) have your gov't I.D.;

- 2) e-mail Ms. Helena or call me at 202-564-4366 (Cheryl W). I will contact Ms. Helena who will send an escort to you.

Thank you,

*Cheryl Whickum
U. S. EPA, Office of Civil Rights
Title VI - External Compliance Program
1200 Pennsylvania Ave, NW, WJC-North, Rm 2524
Mail Code: 1201A
Washington, DC 20460
202-564-4366 (Direct Line)
202-564-7272 (Office Line)
202-565-0196 (Fax Line)*

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Thursday, November 06, 2014 3:30 PM
To: Golightly-Howell, Velveta; Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT)
Cc: Mason, Sheryl; Harrell, Collette; Whickum, Cheryl; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena
Subject: RE: Meeting w/DOJ (req'd by DOJ)

Thank you.

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Thursday, November 06, 2014 3:29 PM
To: Neal, Daria (CRT); Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT)
Cc: Mason, Sheryl; Harrell, Collette; Whickum, Cheryl; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Turkevich, Paul; Wooden-Aguilar, Helena
Subject: Re: Meeting w/DOJ (req'd by DOJ)

You'll have to come through the main doors of the William Jefferson Clinton North Bldg., Daria, Ryan and Alyssa. When you come out of the Federal Triangle Metro, take an immediate left. You'll see the building's entrance. If you take the Metro Center Metro, you may still need to use this entrance since I'm not sure if anyone w/non-EPA badges are allowed to enter through the entrance between 12th and 13th on Pennsylvania Avenue (near the Post Office). Helena will let you know if you can. Take care.

Velveta

From: Neal, Daria (CRT) <Daria.Neal@usdoj.gov>
Sent: Thursday, November 6, 2014 3:06:11 PM
To: Whickum, Cheryl; Covington, Jeryl; Farrell, Ericka; Golightly-Howell, Velveta; O'Lone, Mary; Packard, Elise; Rhodes, Julia; Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT); Turkevich, Paul
Cc: Mason, Sheryl; Harrell, Collette
Subject: RE: Meeting w/DOJ (req'd by DOJ)

Which entrance should we use tomorrow?

-----Original Appointment-----

From: Whickum, Cheryl [<mailto:Whickum.Cheryl@epa.gov>]
Sent: Thursday, November 06, 2014 11:39 AM
To: Whickum, Cheryl; Covington, Jeryl; Farrell, Ericka; Golightly-Howell, Velveta; O'Lone, Mary; Packard, Elise; Rhodes,

Julia; Neal, Daria (CRT); Fitzpatrick, Ryan (CRT); Lareau, Alyssa (CRT); Turkevich, Paul

Cc: Mason, Sheryl; Harrell, Collette

Subject: Meeting w/DOJ (req'd by DOJ)

When: Friday, November 07, 2014 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada)

Where: DCRoomARN2450B/DC-ARN-OCR-Rooms -

Ex. 6 - Personal Privacy

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Chang, Patrick[Chang.Patrick@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Golightly-Howell, Velveta
Sent: Fri 9/5/2014 10:05:44 PM
Subject: RE: For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3 hewa; vgh.docx

Here you go Helena. Thanks! Velveta

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 5:54 PM
To: Golightly-Howell, Velveta
Cc: Chang, Patrick; Packard, Elise; Martinez, Brittany; Covington, Jeryl; Wooden-Aguilar, Helena
Subject: For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

Velveta-

Attached is the response for your review. I have accepted all of Patrick's edits and responded to his comments. I have also made a note in the document (bottom of page 1 in bold) to the press officer to keep a close hold on the rationale for dismissal (this is highlighted in red).

(thank you Patrick, Brittany, and Jeryl for your help today.)

Please let me know if you have any questions.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 5:39 PM
To: Wooden-Aguilar, Helena

Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: FW: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Ex. 5 - Deliberative Process/Atty Client

Otherwise, I'm good w/ it and don't need to see it again.

Thanks!

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 5:32 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Patrick-

I have accepted your edits and responded to comments. I have also added language for your review.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 4:23 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl

Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Here are my comments. Call me if you want to discuss, as always.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 3:31 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl
Subject: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

• In 1998, an administrative complaint was filed on behalf of Anthony Miller by

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Martinez, Brittany

Sent: Friday, September 05, 2014 2:23 PM

To: Wooden-Aguilar, Helena

Cc: Covington, Jeryl

Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Helena- Please see our draft response.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 12:22 PM
To: Golightly-Howell, Velveta; Covington, Jeryl
Cc: Martinez, Brittany
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Ok. Jeryl and Brittany working on this. I am handling the Administrator documents with OGC (Patrick, Elise, and Ethan) that are due to COB by 4 pm. I hope to have a set of final (OGC reviewed) by 2 pm or sooner. We are moving on these and I am reconciling and cleaning them up.

From: Golightly-Howell, Velveta
Sent: Friday, September 05, 2014 12:20 PM
To: Wooden-Aguilar, Helena; Covington, Jeryl
Subject: Fw: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi. Please let me know what's needed from my end. I'm en route to a meeting. Will return to

office after it. I have another at 3 p.m.

Velveta

From: Lee, Monica
Sent: Friday, September 5, 2014 11:27:37 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Correct – additionally, Politico has asked if there is a timeline to respond to these petitions.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 11:26 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations
Importance: High

Ok.

Below is my understanding of the questions in red. Is this correct?

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.
2. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 11:24 AM
To: Wooden-Aguilar, Helena

Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

The two inquiries we've gotten haven't specified a deadline, but we'd like to get back to them as quickly as possible.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 11:17 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 10:19 AM
To: Wooden-Aguilar, Helena
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Helena – do you have any information on Earthjustice's complaint to EPA alleging civil rights violations at North Carolina hog farms? Politico is asking if we have a timeline to respond to these petitions, so at the very least we'd want to get back to them on that.

Let me know – thanks!

From: Purchia, Liz
Sent: Thursday, September 04, 2014 4:53 PM
To: Lee, Monica; Allen, Laura
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro's ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they've gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they're asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison
Sent: Thursday, September 04, 2014 4:49 PM
To: Purchia, Liz
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>
Date: September 4, 2014 at 4:35:36 PM EDT
To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison" <davis.alison@epa.gov>
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind. I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

John Murawski
Staff Writer
The News & Observer
Raleigh, NC
Tel: 919-829-8932
Cell: 919-812-1837
Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Ex. 6 - Personal Privacy

Marianne Engelman Lado | Earthjustice
| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Jonathan Hahn|Caplan Communications| jonathan@caplancommunications.com | 301-998-6592

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as
community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

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About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

About REACH

The Rural Empowerment Association for Community Help strives to improve the quality of life for families and people of color in rural eastern North Carolina. In particular, REACH addresses social, economic and environmental issues through its environmental awareness, sustainable agriculture, small business development, and homeownership programs.

About WATERKEEPER® Alliance

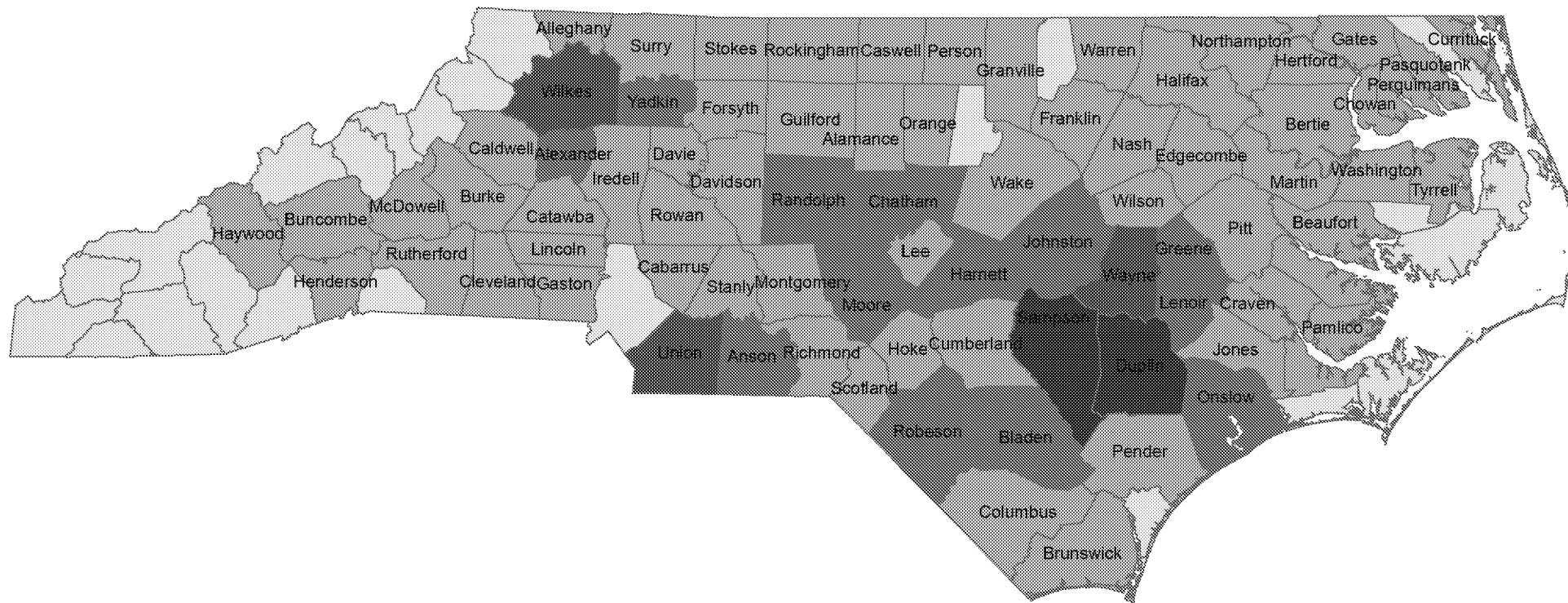
Founded in 1999 by environmental attorney and activist Robert F. Kennedy, Jr. and several veteran Waterkeeper Organizations, Waterkeeper Alliance is a global movement of on-the-water advocates who patrol and protect over 1.5 million square miles of rivers, streams and coastlines in North and South America, Europe, Australia, Asia and Africa. Learn more at: www.waterkeeper.org or follow @Waterkeeper on Twitter and Facebook.

About Earthjustice

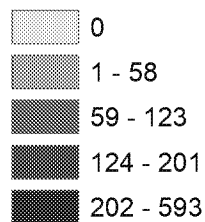
Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

North Carolina



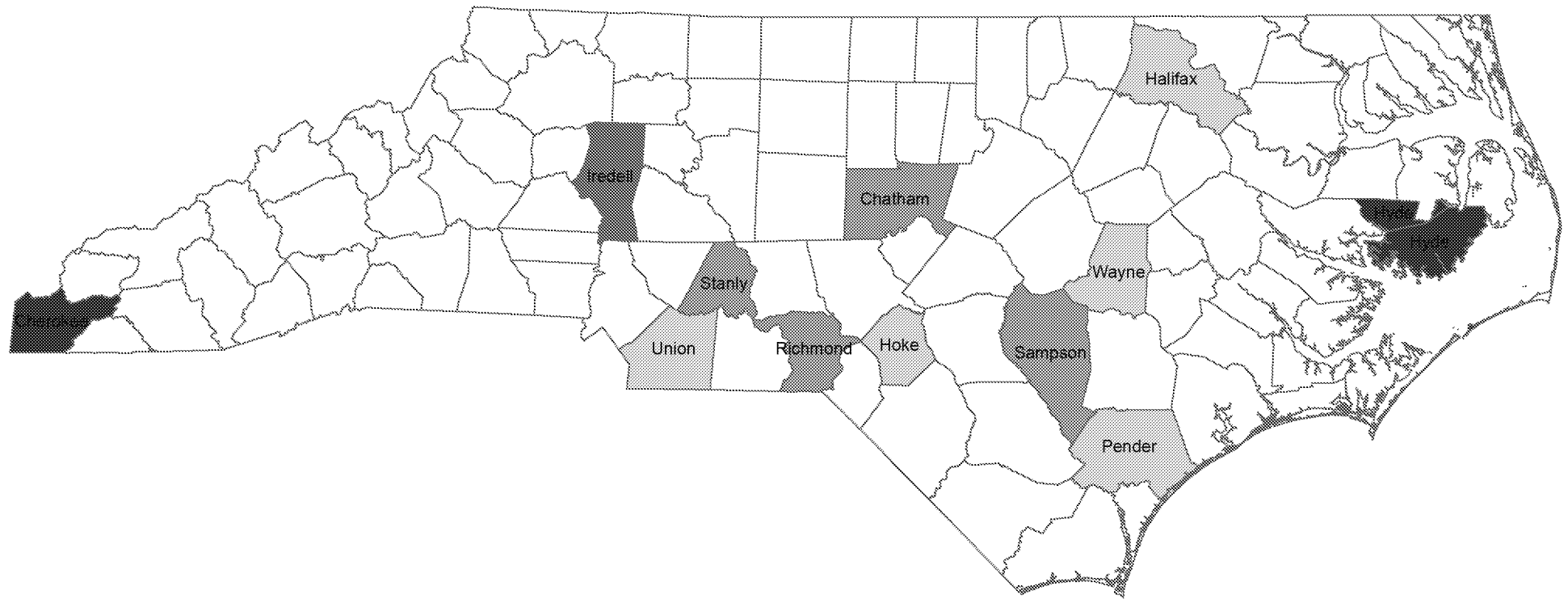
**Non-discharging CAFOs
and Medium AFOs,
by County**



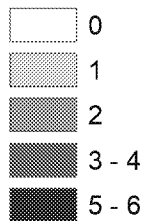
SOURCE: Ag Census 2007



North Carolina



Discharging CAFOs,
by County



SOURCE: NCDENR 2012



Non-discharging CAFOs and Medium AFOs (Ag Census 2007)
Discharging CAFOs (NCDENR 2012)

Operations	3892
	29

To resize chart data range, drag lower right corner of range.

Column1	Non-discharging CAFOs and Medium AFOs (Ag Census 2007)
Operations	3,892
Animal Units	6106521

Discharging CAFOs (NCDENR 2012)	29
	79306

To resize chart data range, drag lower right corner of range.

Interview with **Ex. 6 - Personal Privacy**

Interviewed by: Cynthia Peurifoy and Naima Halim Chestnut

Date: November 15, 2016

General Observations: Swine facility near the house; smell was apparent.

Interview Summary:

Ex. 6 - Personal Privacy perspective

- There are between 5 and 10 swine facilities adjacent to me within a 3 mile radius
- Around 5 or 6 in the evening, every day we can smell the swine facility
- We cannot hang our clothes out to dry due to the smell
- She moved to their current home in 2002 and did not have a water problem, but current complaints consist of bad taste of the water—"chlorine taste"
- If they drive behind waste trucks—something will get on their cars but they do not know what the substance is
- They see the Dead Trucks going throughout the week, one time Sheila had to pull over because she started gagging when she did she could see blood on the side of the truck
- She frequently experiences eye itching and irritation. Both she and her son currently use a breathing machine. Her son used to be able to go out and play but when he was about 9 or 10 he began having breathing troubles and later led to having to use a machine.
- She believes that moving away will be the only way she can get away from these issues

Ex. 6 - Personal Privacy perspective

- Has been a resident for 40 years and has been on County Water for the last 15 years. Since the Hurricane but doesn't have any major issues with her water except that she has to pay \$23 a month
- She previously had issues with her well water including waste and rust
- Other issues she's observed are with the lagoon on Penny Branch Road and once spraying starts in the evening she has seen an increase in flies and mosquitos and can no longer have cookouts. She stated that the neighbors also have an increase in flies but have sheds they can use for shelter so she isn't sure if they experience the same problems as her
- She stated that her husband has been suffering from COPD for the past 3 years, although she admits he is also a smoker she attributes some of his medical condition to the hog facilities and he also cannot go outside during high peak smell times
- She also suffers from eye irritation at least 3 times in the last month, she stated she broke out over her face and it lasted 3-4 months, she has sinus problems, her throat itches and she frequently experiences headaches
- When she does yard work she notices that her nose begins to get stuffy and her eyes begin to itch
- She doesn't know if anyone has had issues trying to sell their homes because of these issues

Interview with: **Ex. 6 - Personal Privacy**

Interviewed by: Cynthia Peurifoy and Naima Halim Chestnut

Date: November 15, 2016

General Observations: Swine facility directly behind the house; smell was apparent.

Interview summary:

- He has owned his property for over 20 years but also spent time living in New York where he met his previous wife. He moved his then wife in with him at this home but she later left him stating that she could live there anymore due to the issues and smell. His first wife died due to breathing problems she inherited as a result of living there. He stated that his wife started having asthma after they moved there.
- Bishop has been experiencing health problems over the past 5-6 years including running eyes, headaches, colds and lingering coughs
- He states he thinks there are between 5-10 hog farms near his home
- He states that near his home the smell shifts and that during the rainy season he has to pump a lot
- Some observations he has had regarding the spray facilities include: once he noticed that the spraying was happening within 50 feet of the road and for a week if not, 2 the smell was unbearable mostly because of the weather but it is during this weather period that the smell is the most awful
- Once he had the Health Department test his well water because he noticed it had grease in it but they told him his water was "good" even though it was also smelling terribly. He later put in a water system to get cleaner water
- **Ex. 6 - Personal Privacy** discussed observations he had experienced during hunting in the area. He has observed ruptured hoses which were documented by REACH. He said there is a swamp area a half mile from the tree line that has a pipe that brings wastewater there. He mentioned that hog waste is not supposed to go off site but he had observed otherwise. He also stated that he has permission to go on many properties to hunt.
- Bishop Williams also stated that after he stated raising concerns about the hog farms, local creditors that he had dealt with for years started to impact his credit and bills. He found that he could no longer get credit from local creditors.
- He stated that he has been hunting in the area for years, the smell travels through the woods. You can also feel it in the air. There are times when you don't smell it.
- He also mentioned a breach in the Nuse River and the impact on a number of churches in the area. He also mentioned the flies, bus and rats are a major problem, his windows are usually covered with flies. He mentioned that his property values are going down and that he is aware that folks are having trouble selling their property.
- He mentions that after participating in the 51-hour vigil regarding the hog farms, local leaders got nasty with him and wouldn't even speak to him.

